

SSB 5363 - S AMD 96

By Senator Jacobsen and Haugen

ADOPTED 02/16/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** It is the intent of the legislature that
4 this act increase the tools available to the state's largest urban area
5 to increase pedestrian and driver safety. More than six hundred
6 pedestrians have been killed on Washington state streets and roadways
7 in the past eight years. The city of Seattle experiences more than
8 four hundred collisions involving pedestrians each year, and an average
9 of six pedestrian fatalities a year. Excessive driver speed is often
10 cited as a factor in traffic fatalities.

11 The state's largest urban area is encouraged to use traffic safety
12 cameras for the purpose of detecting speeding violations at locations
13 with the highest pedestrian, bicycle, and vehicular traffic accident
14 history.

15 **Sec. 2.** RCW 46.63.170 and 2007 c 372 s 3 are each amended to read
16 as follows:

17 (1) The use of automated traffic safety cameras for issuance of
18 notices of infraction is subject to the following requirements:

19 (a) The appropriate local legislative authority must first enact an
20 ordinance allowing for their use to detect one or more of the
21 following: Stoplight, railroad crossing, or school speed zone
22 violations, or speed violations on arterial streets in cities with a
23 population over five hundred thousand only. At a minimum, the local
24 ordinance must contain the restrictions described in this section and
25 provisions for public notice and signage. Cities and counties using
26 automated traffic safety cameras before July 24, 2005, are subject to
27 the restrictions described in this section, but are not required to
28 enact an authorizing ordinance.

1 (b) Use of automated traffic safety cameras is restricted to two-
2 arterial intersections, railroad crossings, (~~and~~) school speed zones,
3 and arterial streets in cities with a population over five hundred
4 thousand only.

5 (c) Automated traffic safety cameras may only take pictures of the
6 vehicle and vehicle license plate and only while an infraction is
7 occurring. The picture must not reveal the face of the driver or of
8 passengers in the vehicle.

9 (d) A notice of infraction must be mailed to the registered owner
10 of the vehicle within fourteen days of the violation, or to the renter
11 of a vehicle within fourteen days of establishing the renter's name and
12 address under subsection (3)(a) of this section. The law enforcement
13 officer issuing the notice of infraction shall include with it a
14 certificate or facsimile thereof, based upon inspection of photographs,
15 microphotographs, or electronic images produced by an automated traffic
16 safety camera, stating the facts supporting the notice of infraction.
17 This certificate or facsimile is prima facie evidence of the facts
18 contained in it and is admissible in a proceeding charging a violation
19 under this chapter. The photographs, microphotographs, or electronic
20 images evidencing the violation must be available for inspection and
21 admission into evidence in a proceeding to adjudicate the liability for
22 the infraction. A person receiving a notice of infraction based on
23 evidence detected by an automated traffic safety camera may respond to
24 the notice by mail.

25 (e) The registered owner of a vehicle is responsible for an
26 infraction under RCW 46.63.030(1)(e) unless the registered owner
27 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
28 car business, satisfies the conditions under subsection (3) of this
29 section. If appropriate under the circumstances, a renter identified
30 under subsection (3)(a) of this section is responsible for an
31 infraction.

32 (f) Notwithstanding any other provision of law, all photographs,
33 microphotographs, or electronic images prepared under this section are
34 for the exclusive use of law enforcement in the discharge of duties
35 under this section and are not open to the public and may not be used
36 in a court in a pending action or proceeding unless the action or
37 proceeding relates to a violation under this section. No photograph,

1 microphotograph, or electronic image may be used for any purpose other
2 than enforcement of violations under this section nor retained longer
3 than necessary to enforce this section.

4 (g) All locations where an automated traffic safety camera is used
5 must be clearly marked by placing signs in locations that clearly
6 indicate to a driver that he or she is entering a zone where traffic
7 laws are enforced by an automated traffic safety camera.

8 (h) If a county or city has established an authorized automated
9 traffic safety camera program under this section, the compensation paid
10 to the manufacturer or vendor of the equipment used must be based only
11 upon the value of the equipment and services provided or rendered in
12 support of the system, and may not be based upon a portion of the fine
13 or civil penalty imposed or the revenue generated by the equipment.

14 (2) Infractions detected through the use of automated traffic
15 safety cameras are not part of the registered owner's driving record
16 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
17 by the use of automated traffic safety cameras under this section shall
18 be processed in the same manner as parking infractions, including for
19 the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and
20 46.20.270(3). However, the amount of the fine issued for an infraction
21 generated through the use of an automated traffic safety camera shall
22 not exceed the amount of a fine issued for other parking infractions
23 within the jurisdiction.

24 (3) If the registered owner of the vehicle is a rental car
25 business, the law enforcement agency shall, before a notice of
26 infraction being issued under this section, provide a written notice to
27 the rental car business that a notice of infraction may be issued to
28 the rental car business if the rental car business does not, within
29 eighteen days of receiving the written notice, provide to the issuing
30 agency by return mail:

31 (a) A statement under oath stating the name and known mailing
32 address of the individual driving or renting the vehicle when the
33 infraction occurred; or

34 (b) A statement under oath that the business is unable to determine
35 who was driving or renting the vehicle at the time the infraction
36 occurred because the vehicle was stolen at the time of the infraction.
37 A statement provided under this subsection must be accompanied by a
38 copy of a filed police report regarding the vehicle theft; or

1 (c) In lieu of identifying the vehicle operator, the rental car
2 business may pay the applicable penalty.

3 Timely mailing of this statement to the issuing law enforcement
4 agency relieves a rental car business of any liability under this
5 chapter for the notice of infraction.

6 (4) Nothing in this section prohibits a law enforcement officer
7 from issuing a notice of traffic infraction to a person in control of
8 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
9 (b), or (c).

10 (5) For the purposes of this section, "automated traffic safety
11 camera" means a device that uses a vehicle sensor installed to work in
12 conjunction with an intersection traffic control system, a railroad
13 grade crossing control system, or a speed measuring device, and a
14 camera synchronized to automatically record one or more sequenced
15 photographs, microphotographs, or electronic images of the rear of a
16 motor vehicle at the time the vehicle fails to stop when facing a
17 steady red traffic control signal or an activated railroad grade
18 crossing control signal, or exceeds a speed limit (~~(in a school speed~~
19 ~~zone))~~) as detected by a speed measuring device."

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20 On page 1, line 2 of the title, after "streets;" strike the
21 remainder of the title and insert "amending RCW 46.63.170; and creating
22 a new section."

EFFECT: Affirms the Legislature's intent to use traffic safety
cameras as a tool to improve pedestrian and driver safety.
Includes an updated version of RCW 46.63.170 due to changes made to
the section from 2007 legislation.

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